

Approved by
the Select Board on:

10/4/2021

BELMONT SELECT BOARD JOINT MEETING WITH THE BOARD OF HEALTH

REMOTE MEETING

MONDAY, SEPTEMBER 20, 2021

7:00 PM

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: October 13, 2021
TIME: 2:38 PM

CALL TO ORDER

A meeting of the Select Board was called to order at 7:00 pm by Chair Adam Dash. Vice Chair Roy Epstein, and Mark Paolillo were present, along with Town Administrator Patrice Garvin, Assistant Town Administrator Jon Marshall, Town Counsel George Hall, Town Counsel Brian Maser, DPW Director Jay Marcotte, and Director of Health Wesley Chin.

ACTION BY CONSENT

COVID Update – Discussion and possible vote on Board of Health recommendations on the amended mask mandate and employee vaccine mandate

Dash said this was a continuation of the September 13, 2021 discussion about whether to amend the mask mandate adopted in August 2021 and whether to institute a vaccine mandate. The new mask order recommended by the Board of Health proposes a fine against businesses, rather than individuals, and adds a mask mandate for common areas of multi-unit buildings. The Board of Health also recommends mandated vaccinations for all Town employees.

Donna David, Chair, called the Board of Health to order with a quorum of members (Julie Lemay, Adrienne Allen and Donna David).

Donna David said the new mask mandate adds an extra layer of enforcement with businesses. It is similar to how complaints about food establishments are handled. The Board of Health feels it is the responsibility of the owner of the business or manager of the building to enforce the mandate.

Dash said the main question for the new mandate is who we want to fine.

Adrienne Allen said the decision about whether the fine should be levied against businesses or individuals is still open to discussion.

Paolillo wanted to make sure that all businesses have been notified of the mask order. Chin said we notified anyone who has a business license with the Town. Paolillo thinks we need to put forth a process to ensure that signs are posted. Donna David suggested that instead of physically visiting every business, the Town could send a second email, and requires businesses to respond. Paolillo thought that this would be acceptable.

Epstein said that he looked at the incidence data from this past week, and the incidence rate is still trending downward. He's concerned about constructing an unworkable enforcement mechanism. He doesn't think that it is viable for the Board of Health to witness a violation.

Donna is concerned about store owners who will not make people wear masks. She said she still plans to send an employee to investigate any violations. Even if we are not able to see the violation, we plan to follow up and investigate the complaint. Donna David reported that there are some businesses that refused to make people wear masks.

PUBLIC COMMENTS on mask mandate:

Bill Trabilcy said there are people sitting in restaurants with nothing on their face. He said he doesn't understand this. Why are we fining a person without a mask for five minutes in CVS and then people in restaurants don't wear masks.

Town Counsel George Hall said the fine is largely symbolic. If there is a business that is actively resisting the order then the order provides the option to penalize. He thinks having a fine on the books against a store owner makes sense to him, but he cautioned that before a fine is levied, the business would have to fall way short of compliance.

Daren Muckjian, owner of the Toy Store, said he feels the Health Department did not do a good job of alerting businesses. The Town does not have a list of all small businesses. Small businesses are all struggling and for the Town to fine a small business, is not tenable. If there is a fine against customer, they won't come back. He said he is not against mask wearing. He said it's up to adults to do what is right.

Motion was made to lay the mask and vaccine mandate discussion on the table until after the Verizon Public Hearing. Motion was approved by a vote of 3-0.

Public Hearing on the Grant of Location Petition Request from Verizon for Job #1A4P0TA, Washington St.

James Watt was present as Verizon representative. Verizon plans to upgrade system at the intersection of Washington and Dalton because the old conduit is no longer functional. The work requires a street opening and Verizon will maintain safety precautions. They are asking for 30-day window of time to complete the job.

Jay Marcotte confirmed that Verizon will be repaving the street after the work is completed and making sure that job complies with safety codes. National Grid is doing work in same area in the Spring and this job may just require a trench.

PUBLIC COMMENTS about Verizon grant of location:

John Coules asked if this upgrade will increase network functionality in the community. He currently cannot get Verizon FIOS at his residence on Washington St. James Watt said that this work may help improve his connection. Watt said needs to find out what exactly the conduit is being used for, but once it's repaved, it has the potential to extend the FIOS functionality.

Jennifer Courtney has parents who live on Washington St. There is a manhole next to the pedestrian walkway and every time it rains, her parents lose their internet connection. They don't have a cell phone and they need a working land line. She is speaking in favor of grant of location.

[Dash closed this portion of the public hearing.]

Motion was made to approve the request from Verizon to place (1) one new four-inch (4") pvc conduit approximately 484' on Washington St. Start an existing manhole MH231, located on the corner of Dalton and Washington St. and extending in an easterly direction along Washington St. MH232 and then to manhole MH533. Said MH533 is located in front of 293 Washington St. Motion was approved by a vote of 3-0.

Motion was made to remove the mask and vaccine mandate discussion from the table. Motion was approved by a vote of 3-0.

Dash and Paolillo suggested that the fine for non-compliance of mask wearing be levied against the individual rather than the business.

Dash said he would like to have the mask mandate on the books to spur compliance, and that its purpose was not to raise revenue. The Select Board members agreed that they would prefer to fine the individual for any infringement of mandate, but businesses would be responsible for posting the mask signs.

Donna David said she could support that change.

The violator would be person not wearing a mask or the business not posting the sign.

The group decided that the language of the order needs to be modified as such:

- The written notice and fine will be directed just to the businesses that fail to post signs. Remove the last sentence on order "Establishment staff must supervise and oversee the compliance of this mandate."
- All bullet points should be directed toward customers, not businesses. The first sentence under the section "Violations" needs to be removed. George Hall suggested that the first sentence under Violations be changed to read "any violation of this order pertaining to the requirement of posting signage and making employees wear masks will be punishable by fines as follows:".

The Board of Health and the Select Board each voted unanimously to approve the amended mask mandate.

The second part of the mandate discussion is about Town employee vaccinations.

The Board of Health recommended that all Town employees be vaccinated. They said they will leave it up to the Town to work out the details of this requirement. For the employees who refuse vaccination, a waiver could be allowed, but they may need to be tested once a week. They are hoping a national mandate for municipal employees comes through the Biden Administration.

George Hall said that if a federal mandate is issued by OSHA, then the Town would not have to do their own bargaining about whether to impose the mandate.

The vaccine mandate would be a recommendation, not a requirement, by the Board of Health. Then the Select Board would determine how to implement the recommendation.

Town Labor Counsel Brian Maser said that the declaration from the Biden Administration about vaccine requirements for employees of companies with over 100 employees, may apply to public employers. This emergency rule will probably be issued with four to six weeks.

Garvin suggested doing a survey of Town employees to get the percentage of employees who are fully vaccinated.

Epstein asked if the schools have reached an agreement with teachers about vaccination. Garvin said a MOU came out from the Belmont teacher's union and it includes a religious and medical exemption. If there is an OSHA mandate, then Belmont could issue a uniform plan.

Maser said each Town has enacted different rules. Hall said that Belmont is further along with updating mandates than other Towns. Garvin said, since all the union contracts are currently open for review, it may be best for this decision to be revisited at the Oct. 4 Select Board meeting. Maser said it is allowable to survey employees about vaccination as long as there are no further questions included in the survey. He said it would also be allowable to collect vaccination cards.

The Town Administrator's office will poll employees about vaccinations and Maser will get back to the group with any updates. It was decided to wait until the Town employee survey is conducted before any decision is made about the vaccine mandate.

The Board of Health adjourned with a vote of 3-0.

[End Joint Meeting with the Board of Health.]

COMMUNITY ANNOUNCEMENTS

There are a series of Forums planned in Belmont:

- Mend Belmont forum on Race and Inclusion will be held on Sept. 21st at 7 pm.
- Time of Use Rate forum will be held by Belmont Light on Sept. 23rd at 7 pm.
- The second Fuel Tank forum will be held on Sept 28th at 7 pm.

COMMENTS FROM TOWN RESIDENTS

Judith Ananian Sarno, Town Meeting member, has been asked by constituents to raise a matter. Abutters to the DPW yard received an anonymous flyer from the Town of Belmont. The flyer said there will be 8 to 10 school buses parked at the Water Department on a temporary basis. Judith said they are exiting through C Street prior to 7 am.

She wants to know why it's being done and why the matter wasn't communicated by the Select Board? Bus drivers have key cards and they start their buses. They are in our neighborhood during all hours. We feel that we are not enjoying quiet enjoyment of our property. People are asking that this early morning operation be moved to the incinerator site.

Garvin replied that the Town was suddenly notified last week by the schools that they did not have a place to park vehicles due to school construction. She asked the DPW director to communicate to C Street residents. There were concerns with the incinerator site for the parking of buses. She will find out why the flyer didn't have enough information on it. The Conservation Commission is going to be

visiting the incinerator site to see if buses could be moved there. The School Committee is meeting tomorrow night, if residents want to address this issue with them.

Epstein said there may be an opportunity to park on non-Town owned land. Garvin said she will pursue that. Garvin said that the Town will do a better job of informing the public with next plan.

Lisa Oteri, Pct. 3, said because buses leave earliest for the furthest locations in Belmont, the Light Department location would be the best.

TOWN ADMINISTRATOR'S REPORT

a. Committee mailbox discussion

Garvin suggested creating one generic email for people who want to contact committee members that would be received in a committee mailbox. This would help alleviate the burden on Town staff.

b. Finance Director Update

Due to lack of applicants to the Finance Director position, the posting for this position has been extended until October 4, 2021. Garvin reported that to date, five applicants have applied for the position.

Vote to approve request from NANCA Nature Club to operate a fundraiser on October 3, 2021 at the delta in front of the Peoples United Bank, 2 Leonard Street, for the purpose of raising funds to donate to different environmental causes

Representatives from NANCA were present to discuss this request.

Dash reminded the representatives from NANCA that is important to make sure that all trash is removed from the area when the fundraiser is over. The NANCA representatives replied that they picked up trash at the last fundraiser and they would make sure that trash would be removed from the site.

Motion was made to approve the request from NANCA nature club to operate a fundraiser on October 3, 2021 from 3 to 6 pm, at the delta in front of the Peoples United Bank, 2 Leonard St. for the purpose of raising funds to donate to different environmental causes. Motion was approved by a vote of 3-0.

Discussion on Fuel Tank Consumption Report

Glenn Clancy, Director of Community Development, developed a draft version of FY22 fuel consumption. The report will be the centerpiece of the tanks fuel forum on September 28th. He hopes that Town vehicles could continue to use diesel fuel and that the 3-month trial period for the Town fleet will be able to utilize private gas stations during business hours. Patrice and he met with affected Department Heads last week and presented the report and explained the trial period plan on utilizing private companies. Dash doesn't think it's appropriate to vote on the off-site fueling trial program before we have the Sept. 28 public forum.

Clancy hopes that the trial period could begin by mid-October. The report will be posted on the Town's website.

Epstein congratulated Glenn for the work and offered some comments on the draft report. Clancy said he will consider suggestions and make edits to draft then he will post document tomorrow.

Discussion on controlling trash in Town

Jay Marcotte said that before overtime was cut two years ago the DPW would have collect trash in the parks on weekends.

Paolillo commented that the pictures he saw were concerning. What about businesses? Garvin said that now that there are patrons dining on the street, that she was assured they would clean up trash and that is not happening.

Epstein said Waste Management is picking up Mondays, Wednesdays and Fridays but the weekends cause the problem. He said he, Patrice, and Jay estimated it would cost about \$10K to restore overtime for trash collection from April to November.

Daren Muckjian said the biggest issue is with pizza boxes. He has talked to companies about taking care of trash themselves. Friday and Saturday produce the worst trash. He said he would like to see the Town send a letter to the businesses to tell them to pick up trash.

Lisa Pargoli asked why do we want to pay someone to do overtime when most businesses are open 7 days week? Why can't we have one employee come in for a day and trade off a day during the week so we don't have to pay overtime?

Phil Thayer, Town Meeting member, Chair of Sustainable Belmont said the last Sustainable Belmont meeting created a new group called "Clean Green Belmont." They have looked at trash at Clay Pit Pond trash and they have identified that it is coming from Belmont Center. He suggests incentivizing businesses to take care of their trash.

Garvin said she will bring a proposal to the next Select Board meeting.

Discussion and possible vote on Comprehensive Financial Policies for the Town of Belmont

Mark Paolillo said he reviewed the Financial Policies document and he is fine with the changes.

Epstein said Section K-4 about the timing of reports by the Town Accountant needs approval by the Select Board. Paolillo and Dash agreed quarterly reports were acceptable.

Motion was made to adopt the Comprehensive Financial Policies document dated September 2021 as amended. Motion was approved by a vote of 3-0.

Possible committee appointments and discussion on possible charge updates:

a. Middle and High School Traffic Working Group

[Dash is recused from this matter, so Epstein took over as Chair.]

There are more openings for this committee than applicants.

Motion was made to appoint Larry Link and Mary Wybieralla to the Middle and High School Traffic Working Group until the year after construction is completed. Motion was approved by a vote of 2-0. Dash was recused from this vote.

Motion was made to appoint Jeffrey Held, Martin November and Alex Thurston to the Middle and High School Traffic Working Group. Motion was approved by a vote of 2-0. Dash was recused from this vote.

NOTE: The Transportation Advisory Committee voted Jeffrey Roth as their representative. Kate Bowen was voted as the representative for School Committee. Patrice Garvin is the non-voting member. One more slot needs to be filled.

The first meeting of the Middle/High School Traffic Working Group is 8 am this week. Everyone needs to be sworn in before Friday morning.

[Dash returned to Chair the meeting]

b. Recreation Commission

Motion was made to appoint David Lind to the Recreation Commission for a two-year term. Motion was approved by a vote of 3-0.

c. Solid Waste Advisory Committee

This is a new temporary committee. There are eight seats and five applicants. Jon Marshall suggested that the charge be reduced to five members.

Motion was made to reduce the charge of the Solid Waste Committee from eight (8) to five (5) members. Motion was approved by a vote of 3-0.

Motion was made to approve five applicants (Terri Goldberg, Mahesh Jayakuma, Julie Wu, Doug Koplow, Jason Ketola) for two-year term. Motion was approved by a vote of 3-0.

d. Permanent Building Advisory Committee

Motion was made to appoint Stephen Sala to the Permanent Building Advisory Committee for a one-year term. Motion was approved by a vote of 3-0.

e. MWRA Advisory Board

Motion was made to appoint Jay Marcotte to the MWRA Advisory Board as a member for one-year term. Motion was approved by a vote of 3-0.

Motion was made to appoint Mark Mancuso to the MWRA Advisory Board as an associate member for one-year term. Motion was approved by a vote of 3-0.

f. Energy Committee

The Chair of the Energy Committee recommended Francesca Kitch for the one opening. Francesca, a senior at Belmont High School, spoke about her interest in the Energy Committee.

Motion was made to appoint Francesca Kitch to the Energy Committee for three-year term. The vote was 2-0. Dash and Paolillo in favor, Epstein opposed.

Proclamation in celebration of Indigenous Peoples' Day

The Indigenous Peoples' Day proclamation will be read on the day of the event, which is October 11.

Paolillo commented that he didn't see the need for the negative language in the proclamation about Columbus. If there is a way to change it so it is more uplifting, he would welcome that. Epstein said the

article was endorsed by Town Meeting and the proclamation language was taken from that, so at this point, we should accept it as is.

Motion was made to approve the proclamation. Motion was approved by a vote of 3-0.

SELECT BOARD'S COMMITTEE LIAISON REPORTS

Epstein said he is the liaison to school committee but due to schedule conflicts he has not been able to attend.

APPROVAL OF MEETING MINUTES

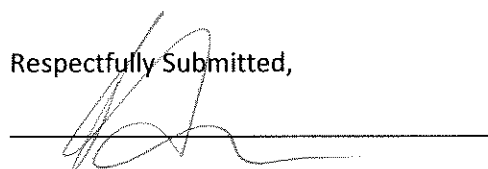
a. August 30, 2021 – Regular Meeting

Motion was made to approve the minutes as amended for August 30, 2021. Motion was approved by a vote of 3-0.

Executive Session - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; a. International Association of Fire Fighters b. All Town Unions c. Belmont Patrolman's Union

Motion was made to enter Executive Session. Motion was approved by a vote of 3-0. Dash announced that the Select Board will not return to public session.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patrice Garvin', is written over a horizontal line.

PATRICE GARVIN, Town Administrator